

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARCOS MANUEL MIRELES-
HERNANDEZ,

Defendant.

No. 06-CR-4115-DEO

ORDER REGARDING REPORT AND
RECOMMENDATION CONCERNING
GUILTY PLEA

I. INTRODUCTION AND BACKGROUND

On December 14, 2006, a 1 Count Indictment (Docket No. 1, 12/14/2006) was returned against defendant Marcos Manuel Mireles-Hernandez.

Count 1 of that Indictment charges that on or about December 7, 2006, in the Northern District of Iowa, the defendant Marcos Manuel Mireles-Hernandez, an alien who had been previously removed and deported on January 26, 1998, was found, knowingly and unlawfully, in the United States, in Clay County, Iowa, after re-entering the United States without first obtaining the consent to apply for readmission into the United States from either the United States Attorney General or Secretary for Homeland Security, all in violation of Title 8, United States Code, Section 1326(a).

On March 23, 2007, defendant Marcos Manuel Mireles-Hernandez, appeared before United States Magistrate Judge Paul A. Zoss and entered a plea of guilty to Count 1 the Indictment. On the same date, United States Magistrate Judge Zoss filed a Report and Recommendation (Docket No. 19, 03/23/2007) in which he recommends that defendant Marcos Manuel Mireles-Hernandez's guilty plea be accepted. No objections to Judge Zoss's Report and Recommendation were filed. The Court, therefore, undertakes the necessary review of Judge Zoss's recommendation to accept defendant Marcos Manuel Mireles-Hernandez's plea in this case.

II. ANALYSIS

A. Standard of Review

Pursuant to statute, this Court's standard of review for a magistrate judge's Report and Recommendation is as follows:

A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made. A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate [judge].

28 U.S.C. § 636(b)(1). Similarly, Federal Rule of Civil Procedure 72(b) provides for review of a magistrate judge's Report and Recommendation on dispositive motions and prisoner petitions, where objections are made as follows:

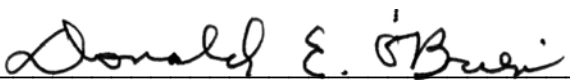
The district judge to whom the case is assigned shall make a de novo determination upon the record, or after additional evidence, of any portion of the magistrate judge's disposition to which specific written objection has been made in accordance with this rule. The district judge may accept, reject, or modify the recommendation decision, receive further evidence, or recommit the matter to the magistrate judge with instructions.

FED. R. CIV. P. 72(b).

In this case, no objections have been filed, and it appears to the Court upon review of Judge Zoss's findings and conclusions that there are no grounds to reject or modify them.

IT IS THEREFORE HEREBY ORDERED that this Court accepts Judge Zoss's Report and Recommendation (Docket No. 19), and accepts defendant's plea of guilty in this case to Count 1 of the Indictment filed on December 14, 2006, (Docket No. 1).

IT IS SO ORDERED this 6th day of April, 2007.



Donald E. O'Brien, Senior Judge
United States District Court
Northern District of Iowa